

accordance with 37 CFR 1.98(d), copies thereof are not provided.

Remarks

It would be appreciated if the Examiner would insure that the correspondence address is changed in accordance with the Power of Attorney submitted herewith.

It is respectfully requested that the examiner consider the references listed on enclosed form 1449A, which are discussed in the above Information Disclosure Statement.

Claims 21 to 27 are newly submitted in order to secure for Applicant all of the coverage to which he is entitled. These newly submitted claims result in 20 total claims and 5 independent claims pending, i.e., 2 extra independent claims for which the fee, at the small entity rate, is \$78. The small entity statement was submitted in the parent application serial no. 08/506,685, and small entity status is still proper and desired. Enclosed is a check for \$78 for the excess claims.

In parent application serial no. 08/506,685, independent claims 1 (drawn to a platform) and 11 (drawn to a method of installing a platform below a bridge) were restricted, the Examiner stating that the product as claimed can be used as a bridge.

Newly submitted independent claim 21 is drawn to the combination of a bridge with a platform. Newly submitted claim 25 is drawn to a method of supporting persons performing work on a bridge which comprises installing a platform below a bridge deck. It is respectfully submitted that the relationship between the inventions of newly submitted claims 21 and 25, as drawn, is such that restriction would not be proper.

In parent application serial no. 08/506,685, independent claim 1 was rejected under 35 USC 102(b) as being anticipated by U.S. patent 629,935 to Sturgis and was also rejected under 35 USC

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103 as not being patentable over U.S. patent 5,299,655 to Margaritis over Sturgis, the Examiner stating that it would not have been unobvious to modify Margaritis to comprise the flooring of Sturgis to provide a sturdy walking surface.

Claim 1 in the above parent application was subsequently amended including providing additional recitations for the releasably securing means, and arguments for patentability provided. In an Office Action mailed March 17, 1997, claim 1, as amended, was again rejected, the Examiner stating that "Applicant's arguments regarding the platform with respect to a bridge are not persuasive, as the invention is directed solely to the platform, and Sturgis device at 14 and 35 is a platform. Arguments to patentable distinction should be directed to structural difference and not to intended use of the articles."

Newly submitted independent claims 21 and 25 are directed to the combination of a bridge with a platform and to a method for supporting persons performing work on a bridge respectively wherein a platform is connected to a bridge. Newly submitted claims 22, 23, 24, 26, and 27 are dependent on one or the other thereof. Thus, the invention as claimed in these newly submitted claims 21 to 27 is not directed solely to the platform. It is respectfully submitted that newly submitted claims 21 to 27 are novel and unobvious over the prior art for the following reasons.

The present invention is directed to the combination of a working platform or scaffolding attached to a bridge and to a method for supporting persons performing work on the bridge by providing such scaffolding attached to the bridge. Thus, the invention concerns the attachment of these structures, one to the other, and, therefore, they are not separate components, but the platform requires the bridge structure for attachment thereof so that it may be used for its intended use. i.e., to support persons working on the bridge.

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An important objective of the present invention is to provide a working platform below the bridge deck which is quick, easy, and economical to erect and later dismantle. In order to achieve this objective, in accordance with the present invention, a plurality of cables are secured at their ends to the bridge such as at bridge piers to extend longitudinally along the bridge and at a desired distance below the bridge portion to be worked on. Then, a plurality of flooring sections are laid in side-by-side relation to rest on the cables and are oriented to extend transversely of the cables and are releasably secured thereto.

The individual releasable flooring sections are also provided, in accordance with the present invention, to allow convenient and quick access through the flooring of the platform in emergency situations, such as if a worker becomes seriously ill or injured and needs to be lowered safely to the ground below.

Thus, there is provided, in accordance with the present invention, a platform which easily and economically uses the bridge structure itself for support while providing easy, quick, and economical erection and dismantling and further allows quick and convenient access through the flooring in emergency situations.

Sturgis discloses a suspension bridge wherein flooring planks, illustrated at 35 of Sturgis, are laid upon joist-cables, illustrated at 14 of Sturgis, are stretched between the shore ends of the bridge and attached to dead-men, illustrated at 12 of Sturgis, which, as illustrated in Fig. 1 of Sturgis, are embedded in the earth. The flooring planks are "united firmly together" by stringers or rails, illustrated at 36 of Sturgis, which are laid upon and fastened to the flooring planks and by hook-bolts, illustrated at 37 of Sturgis, which pass through the stringers and certain of the planks and have their hooks engaged with the

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joist-cables. See page 3, lines 24 to 41, of Sturgis.

Sturgis merely discloses a bridge having a deck and does not disclose a platform as contemplated by the present invention in combination with the bridge, as claimed in each of newly submitted claims 21 to 27. Therefore, for this reason alone, Sturgis does not anticipate the present invention, as claimed in newly submitted claims 21 to 27.

Moreover, Sturgis does not disclose or suggest a releasable securing of flooring sections to cables, as claimed in each of newly submitted claims 21 to 27. Instead, contrary to the present invention, Sturgis discloses that its flooring planks are "united firmly together" by the stringers or rails. Furthermore, there would be no reason in a suspension bridge, as disclosed by Sturgis, which is a permanent structure, to provide a means for releasably securing floor sections so that they can be quickly and easily connected and removed for erection and dismantling and to provide convenient and quick access through the flooring in emergencies.

Margaritis discloses a workplace support and enclosure wherein a floor is provided by chainlink fencing, illustrated at 54 in Margaritis, supported by spaced longitudinally-extending cables, illustrated at 36 in Margaritis, and with flexible fabric overlying the fencing. The cables are installed below the bridge substructure by attaching opposite ends of each cable to a beam support bearing, illustrated at 18 in Margaritis, by use of cable slings, clevis, and turnbuckles, or to other essentially immovable portions of the bridge substructure.

Margaritis does not disclose or suggest the combination of flooring sections and cables or means for releasably securing flooring sections to cables, as provided by the present invention, as claimed in each of the newly submitted claims 21 to 27.

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Since the Sturgis disclosure is to a permanent structure, one would not look to the teachings thereof for the purposes of improving the scaffolding, a temporary structure, of Margaritis. Therefore, there is no impetus or motivation for combining Sturgis and Margaritis.

Even if Sturgis and Margaritis were combined, it still would not result in the present invention since neither of these references discloses or suggests means for "releasably"

securing flooring sections to cables, as provided by the present invention.

Neither Sturgis or Margaritis or any other of the references of record, whether taken together or individually, discloses, teaches, or suggests a combination of a bridge and a platform attached to the bridge or a method for supporting persons performing work on a bridge which comprises installing a platform below a deck of the bridge wherein a plurality of cables are extended along the bridge and attached to the bridge, flooring sections are rested side-by-side on the cables, and the flooring sections are releasably secured to the cables, as claimed in each of newly submitted claims 21 to 27, in order that a temporary platform for supporting persons performing work on the bridge may easily and economically use the bridge structure itself for support while providing easy, quick, and economical erection and dismantling and to further allow quick and convenient access through the flooring in emergency situations. Therefore, it is respectfully submitted that newly submitted claims 21 to 27 are novel and unobvious over the prior art and therefore patentable.

The remaining claims 1, 2, 4, 5, 7, 9, 10, and 15 to 20 are directed to a platform for installation below a deck of a bridge and have been amended and newly submitted in order to more clearly define the invention. It is respectfully submitted that they are also unobvious over the art of record and therefore

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patentable.

Since it is respectfully submitted that each of the claims, as amended and as newly submitted, is patentable, it is respectfully submitted that this application is in condition for allowance, and such is respectfully requested.

Respectfully submitted,

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Enclosure

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